

GARY A. BORNSTEIN (*pro hac vice*)
gbornstein@cravath.com
YONATAN EVEN (*pro hac vice*)
yeven@cravath.com
LAUREN A. MOSKOWITZ (*pro hac vice*)
lmoskowitz@cravath.com
JUSTIN C. CLARKE (*pro hac vice*)
jcclarke@cravath.com
MICHAEL J. ZAKEN (*pro hac vice*)
mzaken@cravath.com
M. BRENT BYARS (*pro hac vice*)
mbyars@cravath.com
CRAVATH, SWAINE & MOORE LLP
375 Ninth Avenue
New York, New York 10001
Telephone: (212) 474-1000
Facsimile: (212) 474-3700

PAUL J. RIEHLE (SBN 115199)
paul.riehle@faegredrinker.com
FAEGRE DRINKER BIDDLE & REATH LLP
Four Embarcadero Center
San Francisco, California 94111
Telephone: (415) 591-7500
Facsimile: (415) 591-7510

*Attorneys for Plaintiff and Counter-defendant
Epic Games, Inc.*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

EPIC GAMES, INC.,

Plaintiff, Counter-defendant,

v.

APPLE INC.,

Defendant, Counterclaimant.

Case No. 4:20-CV-05640-YGR-TSH

**PLAINTIFF'S ADMINISTRATIVE
MOTION TO CONSIDER WHETHER
ANOTHER PARTY'S MATERIAL
SHOULD BE SEALED PURSUANT TO
CIVIL LOCAL RULE 79-5**

Judge: Hon. Yvonne Gonzalez Rogers

PLAINTIFF'S ADMINISTRATIVE MOTION TO
CONSIDER WHETHER ANOTHER PARTY'S
MATERIAL SHOULD BE SEALED

CASE No. 4:20-CV-05640-YGR-TSH

Pursuant to Civil Local Rules 7-11 and 79-5(f), Plaintiff Epic Games, Inc. (“Epic”) submits this administrative motion to consider whether another party’s material should be sealed with respect to its Epic’s Objections to Special Master Determinations Issued February 24 and March 4 Regarding Apple’s Re-Reviewed Documents (“Objections”), the Declaration of Yonatan Even (“Even Declaration”) and Exhibits A through G, all dated March 10, 2025. The documents and portions of documents Epic seeks to temporarily file under seal are listed below:

Document	Corresponding Page and Line Number(s)
Exhibit A to the Even Declaration	Document in its entirety.
Exhibit B to the Even Declaration	Document in its entirety.
Exhibit C to the Even Declaration	Document in its entirety.
Exhibit D to the Even Declaration	Document in its entirety.
Exhibit E to the Even Declaration	Document in its entirety.
Exhibit F to the Even Declaration	Document in its entirety.
Exhibit G to the Even Declaration	Document in its entirety.

Epic takes no position on the sealing of Exhibits E-G.

Epic opposes the sealing of Exhibits A-D; those documents were admitted into evidence (as CX-223, CX-224, CX-291 and CX-505, respectively), portions thereof were presented in open court during the evidentiary hearings, and no portion thereof warrants sealing beyond PII, internal project codenames and non-public Apple financial information. On March 5, 2025, Epic provided Apple with proposed public versions of all Exhibits admitted into evidence during the evidentiary hearings, and asked Apple to agree to Epic’s proposed redactions of confidential information, but Apple has declined to agree to any public versions to date. Accordingly, because Apple stands on its designation of these documents as confidential under the protective order in this case, Epic seeks leave to provisionally file the documents under seal. *See* Local Rule 79-5(f). Epic reserves the right to oppose, under Rule 79-5(f)(4), any submission Apple makes to support

1 sealing under Rule 79-5(f)(3). Epic also hereby provides notice of lodging to all parties and their
2 counsel pursuant to Civil Local Rule 79-5(f).

Respectfully submitted,

Dated: March 10, 2025

By: /s/ Yonatan Even

**FAEGRE DRINKER BIDDLE & REATH
LLP**

Paul J. Riehle (SBN 115199)
paul.riehle@faegredrinker.com

Four Embarcadero Center
San Francisco, California 94111
Telephone: (415) 591-7500
Facsimile: (415) 591-7510

CRAVATH, SWAINE & MOORE LLP

Gary A. Bornstein (*pro hac vice*)
gbornstein@cravath.com
Yonatan Even (*pro hac vice*)
yeven@cravath.com
Lauren A. Moskowitz (*pro hac vice*)
lmoskowitz@cravath.com
Justin C. Clarke (*pro hac vice*)
jcclarke@cravath.com
Michael J. Zaken (*pro hac vice*)
mzaken@cravath.com
M. Brent Byars (*pro hac vice*)
mbyars@cravath.com

375 Ninth Avenue
New York, New York 10001
Telephone: (212) 474-1000
Facsimile: (212) 474-3700

*Attorneys for Plaintiff and Counter-defendant
Epic Games, Inc.*